

REMARKS

By the present amendment, Claim 1 is cancelled without prejudice and disclaimer and claims 2, 3, 5, 7, 8, 10-13, 19 and 23 are amended. Review and reconsideration are respectfully requested.

Applicants appreciate the significance of the Examiner's statement that a listing of references in the specification is not a proper information disclosure statement. It is noted, however, that the Rules state that "[t]here is no duty to submit information which is not material to the patentability of any existing claim." [37 C.F.R. § 1.56(a)]. It is believed that additional references not already submitted in accordance with 37 C.F.R. §§ 1.97-1.98 are not material to the patentability of any existing claim within the meaning of 37 C.F.R. § 1.56. Accordingly, Applicants believe the additional references need not be cited in a subsequent information disclosure statement.

The Examiner objects to the abstract as comparing the invention with the prior art. The abstract has been amended to address the concerns raised by the Examiner. The title of the application has also be amended to provide consistency with the abstract.

The Examiner rejects claims 7 and 9 under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 has been amended to address the concerns raised by the Examiner. The specification and claim 19 have also been amended to provide consistency throughout the disclosure.

It is believed the amendments to the claims and specification do not involve the introduction of new matter. Applicants therefore respectfully request withdrawal of the corresponding rejection of claims 7 and 9.

Applicants appreciate the indication of allowable subject matter with respect to claims 3-6, 13-22 and 24. Applicants have rewritten claim 3 to include limitations from original claim 1. It is therefore believed that claim 3 is in condition for allowance. Claims 2, 4-12 and 23 are also believed to be in condition for allowance as they depend directly or indirectly from independent claim 3.

The Examiner rejects claims 1, 2, 7-12 and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,767,456 (Middleton et al.) in view of U.S. Patent No. 4,553,874 (Thomann et al.). Claim 1 has been canceled without prejudice. By way of the present amendment, claims 2, 7-12 and 23 now depend directly or indirectly from claim 3 and are therefore believed to be in condition for allowance. Applicants therefore respectfully request withdrawal of the corresponding rejection for claims 2, 7-12 and 23.

It is believed that this amendment and response is fully responsive to the Official action dated March 24, 2005. Applicant therefore respectfully requests favorable reconsideration and allowance of this application. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/823,928
Amdt. Dated June 2, 2005
Reply to Office action of March 24, 2005

It is believed no additional fees are required for this amendment. However, if any additional fees are due, please charge same to Deposit Account No. 16-0820, our Order No. 36235

Respectfully submitted,
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